IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.925 OF 2003

Chandrakant Gunda Gaikwad. .. Petitioner

Vs.

The State of Maharashtra. .. Respondent

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Shri Ganesh Gole for the Petitioner.

Shri B.H.Mehta, APP for the Respondent.

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CORAM : R.M.S.KHANDEPARKAR, J

DATED : 24th JANUARY, 2005.

P.C.

. Heard. Perused the records. The petitioner challenges the impugned order passed by the learned Additional Sessions Judge, Kolhapur, condoning the delay in filing the criminal revision application. The delay is of 25 days and it was explained by the Respondent stating that it was occurred on account of pressure of work in the office of the public prosecutors as well as on account of non availability of the stenographer in time. The said facts stated in the application for condonation of delay were duly

supported by the affidavit of the Additional Public Prosecutor, Kolhapur. The Petitioner, apart from merely denying the said facts, did not contest the claim by filing proper affidavit and disclose necessary facts which would disprove the claim on behalf of the Respondent about the pressure of work and non availability of the stenographer in time. Considering the same, the Revisional Court has condoned the delay of 25 days in filing the Criminal Revision Application. I do not find any illegality or jurisdictional error on the part of the Additional Sessions Judge in condoning the delay nor the discretion exercised by the Additional Sessions Judge in condoning the delay can be said to have been exercised arbitrarily. Since the impugned order discloses judicious exercise of discretion in the matter of condoning the delay in filing the Criminal Revision Application, there is no case for interference in exercise of writ jurisdiction under Article 227 of the Constitution of India and hence the Petition is rejected.